(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO. 100 OF 2004
IN FIRST APPEAL NO. OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. Zeller D'Souza, advocate for the applicant.

Shri S. S. Kantak, advocate for the respondent.

CORAM : S. A. BOBDE, J.

DATE : 23rd July, 2004

P.C.:

Heard. This is an application for condonation of delay of a period of 816 days in filing the appeal. The Court passed a decree for money against the applicant. It, however, appears particularly from the notice issued by the applicant to his advocate, on 14th November, 2003, that though he had engaged an advocate and the said advocate had been paid his fees, the advocate failed to inform him of the fact of passing of the decree against him. After serving this notice it appears

that the applicant took steps to obtain certified copies but could not file the appeal for want of sufficient funds.

2. Shri Kantak, learned counsel for the respondent submitted that the applicant was aware of the decree against him when he was served with a notice of execution on 22nd August, 2003. According to the learned counsel, there is a delay even thereafter since the appeal was filed on 15th February, 2004.

3. As observed earlier, apparently the applicant did not have sufficient funds to file the appeal or seek legal advice as to whether the appeal can be filed without court fees.

4. In the circumstances, the delay is hereby condoned, subject to payment of costs quantified at Rs.250/- (rupees two hundred and fifty only) to be deposited in the

Goa State Legal Services Authority Fund.

S.A. BOBDE, J.

mc.